

KENJI M. PRICE #10523  
United States Attorney  
District of Hawaii

JEREMY J. BUTLER  
Assistant U.S. Attorney  
Room 6-100, PJKK Federal Bldg.  
300 Ala Moana Boulevard  
Honolulu, Hawaii 96850  
Telephone: (808) 541-2850  
Facsimile: (808) 541-3752  
Email: [Jeremy.Butler@usdoj.gov](mailto:Jeremy.Butler@usdoj.gov)

Attorneys for Defendant  
CMS

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

RAYMOND KIM and BEATRICE KIM,  
individually, and RAYMOND KIM, as  
representative of the estate of BRIAN  
KIM,,

Plaintiff,

v.

QUEENS MEDICAL CENTER, a  
Hawaii Corporation; LEON LIEM, M.D.,  
individually; JENNIFER MORAN,  
APRN; and JOHN 1-10; JANE DOES 1-  
10; DOE PARTNERSHIPS 1-10; DOE  
CORPORATIONS 1-10; DOE LIMITED  
LIABILITY COMPANIES 1-10; DOE  
ENTITIES 1-10; and DOE  
GOVERNMENT ENTITIES 1-10,

Defendants.

CIVIL NO. 19-00463

(Civil No. 15-1-1990-10 JCM,  
First Circuit Court, State of  
Hawaii)

NOTICE OF REMOVAL OF  
CIVIL ACTION; EXHIBIT "A";  
CERTIFICATE OF SERVICE

NOTICE OF REMOVAL OF CIVIL ACTION

Comes now, Defendant CMS, by and through its undersigned attorneys, Kenji M. Price, the United States Attorney for the District of Hawaii and Assistant United States Attorney Jeremy J. Butler, and sets forth the following facts on their behalf:

1. On July 22, 2019, Plaintiffs Raymond Kim and Beatrice Kim, through their counsel (“Plaintiffs” or “Kim”), filed a Motion to Find CMS/ Medicare Lien Non-Recoverable against Defendant Centers for Medicare and Medicaid Services (CMS), in the First Circuit Court, State of Hawaii. This Court action is numbered Civil No. 15-1-1990-10 JCM.

2. A copy of the Motion relating to the First Circuit Court action regarding said Defendant was provided to the United States Attorney on or about July 22, 2019. A copy of the Motion is attached hereto as Exhibit "A".

3. In the Motion, Plaintiffs seek a judgment from the state court that federal lien is not recoverable; in other words, they seek to strip the lien.

4. This notice of removal is filed pursuant to 28 U.S.C. § 1442(a)(1). Defendant CMS, which is part of the Department of Health and Human Services of the United States.

WHEREFORE, Defendant gives notice that the above-action now pending against it in the First Circuit Court, State of Hawaii, is removed therefrom to this court.

DATED: August 29, 2019, at Honolulu, Hawaii.

KENJI M. PRICE  
United States Attorney  
District of Hawaii

/s/ Jeremy J. Butler  
By \_\_\_\_\_  
JEREMY J. BUTLER  
Assistant U.S. Attorney

Attorney for Defendant  
CMS

CERTIFICATE OF SERVICE

I hereby certify that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served at his last known address:

Served by First Class U.S. Mail:

MARK D. KAMITOMO, ESQ.  
421 West Riverside Avenue, Suite 1060  
Spokane, WA 99201

KEVIN P.H. SUMIDA, ESQ.  
STEPHEN K. ROY, ESQ.  
735 Bishop Street, Suite 411  
Honolulu, Hawai'i 96813

Attorneys for Plaintiffs

DATED: August 29, 2019, at Honolulu, Hawaii.

/s/ Valerie Domingo

---

U.S. Attorney's Office  
District of Hawaii